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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-207948

DATE: July 16, 1982

MATTER OF: Amray, Inc.

DIGEST:

Protest filed more than 10 days after basis of protest was known is untimely and will not be considered. 4 C.F.R. § 21.2(b)(2) (1982).

Amray, Inc., protests the Department of the Air Force award of a contract to JEOL, USA, under solicitation No. F33601-82-RA045.

JEOL, USA, a foreign manufacturer, received the award based on the Trade Agreement Act of 1979 which allows foreign products to be evaluated on a basis equal to domestic products. Amray contends the award was improper because the Air Force failed to comply with the publication requirements set forth in the Trade Agreement Act solicitation procedures. We dismiss the protest.

Our Bid Protest Procedures require that protests be filed with our Office within 10 days of when the basis of the protest is known or should have been known. 4 C.F.R. § 21.2(b)(2) (1982). Amray learned of its basis for protest no later than June 2, 1982, when it was informed by the contracting officer that JEOL, USA, had been awarded the contract. However, the protest was not filed with our Office until June 17, 1982. Since the protest was filed more than 10 working days after June 2, 1982, it is untimely and we will not consider the matter. See Kerper House, Inc., B-205516, March 2, 1982, 82-1 CPD 185.

Harry R. Van Cleve
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Acting General Counsel